

Ronald M. Tate, Trustee of the Ronald M. Tate Trust
dated 4/13/88, and George Avakian, an Individual,

Plaintiff(s)

AFFIDAVIT OF SERVICE

Case No. 08 CV 7296

-against-

E*Trade Financial Corporation, Mitchell H. Caplan, an
Individual, and Robert J. Simmons, an Individual,

Defendant(s)

State of New York)

ss:

County of Albany)

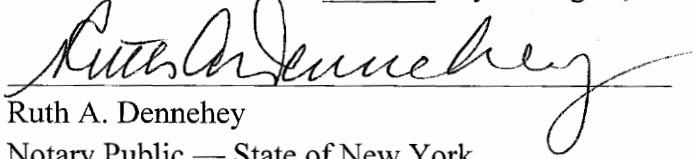
Terri L. Tarullo, being duly sworn, deposes and says:

Deponent is over the age of eighteen and is a resident of New York State and is not a party to this action. That on August 20, 2008 at approximately 9:20 AM deponent served the following specific papers Summons in a Civil Action, Complaint for Damages with Demand for Jury Trial, and Electronic Case Filing Rules & Instructions May 28, 2008 Edition, that the party served was E*Trade Financial Corporation, by personally serving one copy of the aforesaid papers at the office of the registered agent, Corporation Service Company located at 80 State Street, in the City of Albany, New York by delivering to and leaving papers with Cathy Kreiger-Jewell, a white female with brown hair, being approximately 46-55 years of age; height of 5'4" - 5'8", weight of 100-130 lbs., being an authorized person in Corporation Service Company and empowered to receive such service.



Terri L. Tarullo

Sworn to before me this 20th day of August, 2008



Ruth A. Dennehey

Notary Public — State of New York

Qualified in Albany County

Registration No. 01DE4729775

Commission Expires: 11-30-2010